

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

CRAIG O. COPLEY,)	
)	
Petitioner,)	Case No. 04-3494-CV-S-DW-H
)	
v.)	
)	
ROBERT McFADDEN, Warden,)	
United States Medical Center for)	
Federal Prisoners,)	
)	
Respondent.)	

ORDER

Before the Court is Magistrate James C. England's Report and Recommendation (Doc. 17) to dismiss the Petitioner's petition for habeas relief and to deny Petitioner leave to proceed in forma pauperis. The Petitioner filed exceptions to the Report and Recommendation (Doc. 21). After an independent review of the record, the applicable law and the parties' arguments, the Court adopts the Magistrate's findings of fact and conclusions of law. Accordingly, the Court ORDERS that the Magistrate's Report and Recommendation be attached to and made part of this Order, and DISMISSES the Petitioner's petition for habeas relief WITHOUT PREJUDICE and DENIES Petitioner's request to proceed in forma pauperis.

SO ORDERED.

/s/ DEAN WHIPPLE
Dean Whipple
United States District Judge

Date: May 4, 2005